

USSN 10/509,165
Atty. Docket No. 2002B048A
Response to 1st OA dated August 3, 2007
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REMARKS

Applicants notice that Examiner Bullock interviewed with applicants' attorney Andy Griffiths on January 31, 2007. The previously presented Claim 1 incorporated the proposed amendment as suggested during the interview. Nevertheless, Claims 1-23 were all rejected under 35 USC 103(a) as being unpatentable over EP 0 311 310 B1 in view of WO 93/16020 (WO '020). Applicants respectfully request the Examiner reconsider claims 1-23 in view of the following remarks.

The Office Action considers applicants argument to be not persuasive because "it would have been expected the combined teaching of the references would result in similar output, i.e., oligomers products having methyl, ethyl, and propyl side groups." Applicants respectfully disagree with this line of logic. For the simplest reason, if we follow this line of analysis, there will be no surprising result at all forever because any results, surprising result or non-surprising result, would be inherent so long as there is a combination or any motive to combine e.g., motive to lower cost, motive to increase catalyst life, motive to simplify process conditions, or motive not even remotely related to the invention. Applicants respectfully urge the Examiner to reconsider the rejection.

Applicants would like to reemphasize that the present invention produces a mixture of oligomers having methyl, ethyl, and propyl branches, observed in the ¹³C NMR spectra of the mixture, whereas EP 0 311 310 B1 clearly teaches product oligomers are "olefins not having any side groups other than methyl." (See for instance page 3, lines 18-19, of EP '310). WO 93/16020 (WO '020) does not cure the deficiencies of EP '310.

Accordingly, the combination of EP '310 and WO '020 cannot fairly suggest the surprising results presently claimed, and it is respectfully requested that the rejection under 35 USC 103 be withdrawn.

For those reasons, Applicants urge that the present application is in condition for allowance. Early indication of such is earnestly solicited.

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The Commissioner is hereby authorized to charge any additional fees that are required or credit any overpayment to Deposit Account No. 05-1712.

Respectfully submitted,

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Date

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